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Largest Desmond Competition Ever

by Lance Mark

This year's eighth annual Charles S. Desmond Moot Court Competition was held between November 27th and December 1st at John Lord O'Brian Hall. Thirty-six law students grouped into nineteen teams participated in a combined round robin and elimination form of argument, constituting the largest number ever to compete for Moot Court.

The case dealt with the right of a church, known as the Church of Spiritual Enlightenment, to legally use marijuana in its religious services in order to achieve communion with its god figure, the Lord O'Brian. The central issues involved the constitutional freedoms of exercise of religion under the First Amendment and equal protection under the Fourteenth Amendment.

The Problem

The equal protection argument was based on an earlier Arizona case, in which members of the Native American Church, all of whom are Indian, were granted an exemption by the federal government to eat peyote as part of their religious practice, without fear of criminal prosecution. Kay Latona, Marty Miller, and Timothy Toohey, members of the Moot Court Board, created the factual problem and designed it in such a way that there was a conflict between the U.S. circuit courts, thereby necessitating review by the Supreme Court of the United States by writ of certiorari in order to resolve the split in decisions.

Competitors were given approximately one month to research and prepare a brief for either the petitioning government or the respondent church. Each team was free to choose the side that they wanted to brief.

Round Robin

Under the round robin method of competition, each team had to argue their case at least once each night for three successive evenings. On the second night of the competition, each team was required to switch and argue the opposite side from that which it had briefed. In this way, participants were put to the test of seeing how conversant they were with the case as a whole.

Knowing both sides of any case is important, both at the trial and appellate levels, in order for a lawyer to be properly prepared, and it was primarily for this reason that the reversal was required. In addition, when board members compete in the various regional and national Moot Court events, they too are made to switch sides in an argument. Often the rules of the particular competition require that a team brief, as well as argue, both sides of the controversy. So, for those participants who will ultimately be selected for candida-

cy to the board, this was an introduction to things to come.

Finalists and Awards

Upon completion of the evenings of round robin competition, the five highest scoring teams went on to the semi-finals. This year's semi-finalists were Donald Bergevin, Robert Brennan, Patrick Gaura, Carl Goldfield, Eileen Greenbaum, Dennis Kitchen, Tom Lochner, and Linda Tadsen. From these, the two highest scoring teams of Bergevin-Brennan and Carl Goldfield advanced to the final round on Saturday, December 1st, in which they appeared before Judge Charles S. Desmond, retired Chief Judge of the New York Court of Appeals; Hon. Matthew J. Jasen, Associate Judge of



Competition Finalists: Brennan and Bergevin

Runner-up: Goldfield



Best Brief: Slonim and Howard



Best Oralist: Bowie Tim Toohey presents awards.

Photos by Levi

the New York Court of Appeals; Hon. John S. Marsh, of the Appellate Division-Fourth Department; and Professor Kenneth Joyce of the U.B. Law School.

The winning team members in this year's Desmond Competition were Donald Bergevin and Robert Brennan, two second-year students. Carl Goldfield, a junior who competed by himself, was the runner-up. An award for Best Oralist was given to Raymond Bowie, a first-year law student, and awards for Best Brief were presented to Bert Slonim and J. Carlton Howard, Jr.

All winners were selected on the basis of the highest average number of points given for the briefs and/or oral arguments. Scoring of the appellate arguments was done by members of the local bar, judiciary, and faculty who served as judges in the competition rounds. The briefs, which were weighted at one-third of the overall score, were graded by a five-man committee of the Moot Court Board.

The Desmond Competition, which was open to all first and second year law students, was concluded by a cocktail hour and buffet dinner on the fourth floor of the Law School, where the victors celebrated and everyone drank to the fact that the whole ordeal was finally over. Selection of candidates to the Moot Court Board will be made this week, and those participants chosen will be notified by letter.

Having seen only an empty room undergoing electrical wiring the Friday previous, students were, in the words of Food Service Manager Al Taylor, "really surprised" to find a fully-operational snack bar awaiting them the morning of Monday, December 3. The reality of the long-awaited O'Brian cafeteria was, however, confirmed two days later with the Grand Opening of the facility heralded by five cent coffee.

According to Mr. Taylor, who manages all Food Services operations on the North Campus, the opening of the snack bar in the former 2nd floor locker rooms was the product of several months planning after the Health Department rejected Food Service's original proposal for a basement rathskeller. "The Health Department suggested a plusher dining hall," he said, "but this was too expensive, and no permanent changes can be made in the building for one year." Since the 4th floor was ruled out due to the inadequacy of the elevators, Food Service drew up plans for the 2nd floor, the locker rooms being the only alternative.

Food Service chose the smaller of the two rooms, Mr. Taylor sta-

ted, as it was more efficient given the number of employees available to staff the facility, while the larger room was reserved for seating.

Over the past two weeks, campus maintenance has installed a sink, running water, electric outlets, and lighting, and despite the priority maintenance workers had to give the construction of bus shelters, preparatory work on the snack bar was completed on time. Before Food Service could move in its equipment, however, maintenance had to install a "security gate" at the entrance to the room, but once that was done on November 30, Food Service was free to move in on Saturday to prepare for the Monday opening.

Equipment brought in by Food Service, said Mr. Taylor, included a refrigeration unit, a hot cabinet for warming pre-heated foods, hot tables for serving, coffee machines donated by vending, and of course, the cash register. Tables and chairs came from Tower Hall on the Main Campus when it was closed as a dorm.

The staff, two women who had previously worked on Main Campus, are veteran Food Service employees, both with over six years experience. Two part-time students have been hired to assist

during busy hours and late afternoons.

Food Service operates the snack bar by bringing hot food from the Governor's Residence Halls, where the food is prepared and then delivered in heated containers to the snack bar, which then places it in the hot cabinet prior to serving. Pastry is supplied by the Campus Bakery located in Harriman Hall on the Main Campus, where incidentally Mr. Taylor says students can purchase donuts wholesale. Only preservables are kept in the refrigerator overnight.

Food Service has, Taylor added, set no budget for the snack bar operation but plans, after 30 days, to evaluate the hours and menu to determine budgeting.

Commenting on patronage during the first few days of operation, the Food Service Manager cites the hours of 8 to 10 am, when the demand is chiefly for pastry and coffee, and the hours from 10:30 to 1:30, when lunch is the order, as the busiest of the day. From 3 to 5 pm, on the other hand, business has been "very slow."

Overall, Mr. Taylor feels that the facility has "been received quite well by faculty, staff, and students," although he admitted

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Snack Bar Opens; Mobbed First Day

by Ray Bowie

Editorials

President's Corner

by Marty Miller



Candid Cameras

While negotiations for the installation of an extensive television security system in O'Brian Hall seem currently in a state of limbo, it is understood that campus security will eventually be invited to discuss the matter with the Faculty before any action is taken. As was the case last week with President Ketter's hushed visit to the Law School, no plans, as far as we know, exist for wider student consultation on this highly controversial issue.

Yet, if all that talk about we at O'Brian being an academic community is to have any credence, the student body cannot be frozen out of these discussions, for surely, it will be students who will be most affected by this pervasive surveillance system.

SBA has taken a stance in opposition to the measure at this time and this, we understand, has been communicated to the Faculty. But if campus security is planning to make further presentations of security measures, it is suggested that, in addition to the Faculty, such presentations be made before the SBA or before an open meeting of the student body.

Otherwise, students in O'Brian Hall will feel themselves strangers in a world they never made.

Key to Progress?

'Tis a pity that the SBA Board of Directors, what with a new grading system, mandatory health insurance, and LSAT thumb-printing crowding their agenda, saw fit last week to devote such an inordinate amount of time to debating whether to issue themselves keys to the inner SBA office.

Some directors seem to feel that the individual acquisition of keys to an office to which they have never needed access in their capacity as directors is a symbolic equalization with the executive officers, who have keys to that office simply because they have frequent and legitimate need for the confidential records, irreplaceable minutes, and valuable equipment stored in the inner office.

It would seem that SBA might be better served if the directors eschewed symbolic crusades in favor of concrete and substantive actions for the benefit of their constituents.

Reaction Invited

Associate Provost William Greiner is to be congratulated for his work on revising the present grading system, which culminated in the adoption last week of a revised grading system by the faculty. Greiner has managed to devise a system which meets the needs and expectations of a faculty which would rather see pass/fail or a return to number grading, depending on who you talk to. The new system is described on page 6.

Now it is the students' turn to register their support or opposition. The new scheme was designed taking into account past student referenda and other evidence of student views; now we can react to it. *Opinion* has reserved box No. 74 on the third floor so that students can register their opinions; a form is provided below for simplicity. The mailbox is taped open, so that you can put your response in from the front. We urge all students to make themselves heard, so that the faculty can have an accurate gauge of our feelings.

- First year ☐ The HD should:
- Second year ☐ be kept ☐
- Third year ☐ be removed ☐
- The Q+ is: doesn't matter ☐
- a good idea ☐ The new grading system should
- a bad idea ☐ be applied to my class:
- doesn't matter ☐ this semester ☐
- retroactively ☐
- not at all ☐

COMMENTS

Please deposit this slip in box No. 74 on the third floor.

Following considerable analysis and discussion the Board of Directors of the Student Bar Association has approved the final budget for the 1973-74 academic year. Student organizations should by now have received copies of their approved budgets accompanied by an explanation as to the methods of obtaining funds from the SBA. The procedures established by the Treasurer are designed to simplify the application for funds and the requests to pay outstanding bills. The program has been used experimentally since the beginning of this term and has met with considerable success. We anticipate that success to continue.

Surprisingly few students have so far commented upon the installation of closed circuit television surveillance equipment in O'Brian Hall. This item appeared upon the agenda of the SBA meeting of November 16, 1973, at which your representatives passed the

following resolution:

"Whereas, electronic monitoring or surveillance should be the last resort in security measures and utilized only where no other measures suffice;

Whereas, there is no evidence of a security problem sufficient to warrant electronic surveillance measures in O'Brian Hall;

Whereas, the proposed television monitoring system is extravagant in expense, omnipresent in terms of its patterns of coverage, and open to easy abuse;

And, Whereas, the installation of such a system would have a "chilling effect" on social and academic interactions, thereby posing a potential invasion of privacy;

BE IT RESOLVED, that the Student Bar Association strongly oppose the installation of television or other electronic surveillance devices in areas of O'Brian Hall other than Library exits;

AND BE IT FURTHER RES-

TO: All Faculty, Students and Staff
FROM: R.D. Schwartz
RE: Professor Thomas Rickert

All investigations regarding the whereabouts of Professor Rickert have thus far yielded no results. We know only that he has disappeared, abandoning his car at Niagara Falls. It is hoped that he is still alive, but that is uncertain.

Many of us feel the need to express our deep distress at his disappearance. We have not yet decided on an appropriate way of doing so. Suggestions are most welcome and should be directed to Dean Marjorie Mix or Provost Schwartz.

Letter to the Editor

To the Editor:

As a recent graduate of U.B. Law School, I think my recent experience may be of some interest.

I ran as an Independent candidate for Dunkirk City Attorney in this past November election. As such, I was perceived as being less than desirable by the local Democratic machine. They had the only other candidate for that office, a 2 1/2 to 1 registration differential over the Republicans here, and I am a registered Democrat.

Through their efforts the Board of Elections rejected my Independent nominating petition which contained almost twice the necessary number of signatures.

I decided to appeal what I thought to be an unjust decision to the State Supreme Court. I argued there against the County Attorney and the City Attorney and I won.

No sooner had my elation subsided than I was informed that an appeal was being taken to the Appellate Division. It seems that I missed being able to argue at the opening day of the Moot Court Room by only one week. The appeal was heard on October 15th.

I was again victorious at the Appellate Division. However, the day I received notification that I was affirmed in the A.D. I also received notice that an appeal was being taken to the Court of Appeals. And that the argument would be heard in 1 1/2 days!

Needless to say, that period of time was hectic. After preparing all night on October 18th, I packed my bags, jumped into my car, and headed for the airport in Buffalo to catch a plane to Alba-

ny.

On the Thruway the left rear wheel bearing of my trustworthy vehicle disintegrated, causing the rear axle to slide from its lodgings. This in turn precipitated the destruction of my left rear tire and most of the mechanisms associated with the rear underportion of my car.

Not to be melodramatic, but it was pouring rain and even though I monetarily enticed a Thruway employee to drive me the rest of the way, I arrived just in time to watch my plane take off.

My wait for another flight was not enhanced by reading a copy of my opponent's brief. It seems that he had inadvertently (?) given

me ten cover sheets and an appendix, all neatly stapled together.

Upon arriving at the Court of Appeals, a building somewhat resembling Tara, I picked up a copy of my opponent's brief and discovered that the counsel against whom I would be arguing was a highly experienced appellate practitioner who possessed an LL.M. degree.

The argument room itself, where Cardozo sat, is certainly one which does not elevate the egos of those who argue there. Immediately following my argument before the inquisitive panel I retreated to a dimly lit bar and attempted to soothe my psyche.

I again won in the Court of

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Opinion

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The SBA's stationery has taken on a new look, with this distinguished logo replacing the stodgy look of old. Let's hope this isn't just another pretty face, but that there's some intelligence under the beauty. (One also wonders what state the law school is in).

the G DFLY

by Ray Bowie

Dagger in the Heart



The shifting sands of Watergate are tread only with peril these days by even the most venturesome of columnists, for even the politically prescient of their number have been disappearing in disrepute beneath a muck whose bottom recedes further with the bursting of each "definitive" presidential pronouncement. Where political columnists have found the Watergate muck a hazard to their profession, however, others, more intent to engage in politics than to comment thereupon, have found in the muck a weapon to advance theirs: the destruction of Richard M. Nixon.

While the same elements, well represented at this institution, will indubitably interpret this column as a defense of the Nixon Administration and attendant "horrors" rather than as the defense of due process it purports to be, their interpretation is foreseen as inevitable and hence will give rise to little chagrin.

To be sure, the actions and statements of Mr. Nixon and his spokesmen make separation of the issues a difficult chore at best, one apparently too difficult to undertake for the increasingly substantial minority revealed to favor the President's impeachment and conviction in recent public opinion surveys. But to extricate due process from the Watergate morass and reaffirm its integrity, particularly in the face of concerted efforts to achieve political advantage from the present confusion, is a duty incumbent upon all who would bolster a Constitution reeling under the deprivations of Watergaters and critics alike.

In a Nutshell

Due process, indeed, is the heart of our jurisprudential system, and it is not too strong to say that the Constitution prospers or falters according to the degree to which due process is respected. "Due process of law in each particular case," wrote Cooley on Constitutional Limitations, "means such an exercise of the powers of government as the settled maxims of law permit and sanction, and under such safeguards for the protection of individual rights as those maxims prescribe." The Constitution in a nutshell.

The maxims of law to which Cooley refers generally affirm that where any question of fact or liability is conclusively presumed against the party affected, that party has not been accorded due process, and yet this is the situation into which the burgeoning impeachment movement would wish to place President Nixon.

The Enemies List Strikes Back

Nationally, that movement includes long-time Nixon foes such as the American Civil Liberties Union, the AFL-CIO, the National Lawyers Guild, and the National Education Association, along with an assortment of Democratic politicians and newspaper editors, all of whom would happily have had Nixon impeached in January of 1969 had a credible pretext been available. Locally, the AFL unions have harkened to Meany's bark by rigging up their political action machine for an impeachment campaign, Chevy dealer Dan Creed has contributed his predictably tasteless advertising to the crusade, the ACLU has declared Nixon outside the pale of civil liberties, and Joe Crangle is being, well, Joe Crangle.

Impeachment, as even proponents of it admit, is indeed a momentous undertaking. In the history of the Constitutional provision, there have been only five, involving three U.S. District Court judges, a member of the old Grant cabinet, and, of course, Pres. Andrew Johnson, of whom only the judges were convicted in cases involving drunkenness and disloyalty. That provision (Article II Section 4) stipulates "Treason, Bribery, or other high Crimes and Misdemeanors" as impeachable offenses, though the many treasons in English law were reduced in this country to two, waging war against the U.S. or adhering to its enemies. The controversy has always centered about the latter offenses, the high crimes and misdemeanors.

The offenses were added, it has been speculated, when the Constitutional Convention took note of contemporary impeachment proceedings brought by the House of Commons against the British Governor of Bengal for "high crimes and misdemeanors" involving the confiscation of property and suspension of civil liberties. More recent interpretation of these vague phrases, including that given much publicity when admitted by a disillusioned Gerald Ford, is that impeachable offenses are whatever a majority of the House says they are.

Evidence? ... Don't Confuse Me!

Be that as it may, an impeachment is equivalent to an indictment in an ordinary criminal proceeding and, as such, must entail the same due process safeguards to the party affected, including the requirement of sufficient prima facie evidence to support an indictment against that party. Extending the usual presumption of innocence, the question, of course, is whether sufficient legal evidence exists to implicate the President personally in an indictable matter.

Legal evidence, in this sense, must be of such a character as to prove a point substantially rather than to merely raise suspicion or conjecture, something Mr. Nixon has succeeded in doing well on his own. In the events surrounding Watergate, however, only one witness, John Dean, has personally implicated the President, and his evidence is basically a supposition based on an interpretation of a brief remark Nixon made to him last September. Other "evidence" has thus far been advanced by the impeachment movement for the sole purpose of discrediting the President to the point where neither the public nor his potential Congressional jurors will consider him worthy of belief, a result which has obtained due largely to Nixon's own secrecy and deception playing into their hands.

Regardless of Nixon's part in the destruction of his own credibility, however, the type of evidence used to discredit a witness, evidence here present in abundance, is simply not the substantive prima facie evidence required to support allegations in an indictment proceeding, nor can it even serve as circumstantial evidence which might imply the President's involvement, despite contentions that he must have been involved because he "should" have been involved.

The Hanging Judges

In lieu of substantive evidence, the impeachment movement has, as indicated by a recent ACLU meeting in Buffalo, resorted to a series of makeshift offenses, most of them ad hoc and ex post facto so as to create grounds and allow evidence to convict Nixon, that arch-fiend to whom reasonable doubt cannot apply. And whenever makeshift offenses need to be manufactured to charge or convict a

party, it is clear that the manufacturers of such offenses are motivated not by respect for due process, but by either personal or ideological opposition to the target of their actions. Such, of course, is true of the elements allied in the impeachment movement.

Many of these elements have opposed Mr. Nixon since the early 50's, and, since 1969, most have accepted his impeachment as necessary and spent much of their time formulating "offenses" to warrant it, regardless of the damage to due process. Their situation would seem analogous to that of the prosecutors of Sir Thomas More, who tell More that they would level every law in England to pursue the Devil but are nonplussed by More's inquiry as to how they would then defend themselves should the Devil assume pursuit. Proclaimed civil libertarians all, the impeachers might well ask themselves how, with due process warped beyond recognition, they would defend civil liberties from future infringement, perhaps by the same Nixon whose "special circumstances" supposedly now warrant the warping.

Defense of due process is in no sense an exoneration of the Nixon Administration and the impeachers must be wary of making the equation, for if that Administration goes down, it must not take due process with it. Serious charges have indeed been laid against the President, and Congress cannot shrink from fully investigating and, if necessary, fully prosecuting any of them. But while Watergate and attendant events have severely battered the body of the Constitution, the impeachment movement, in ignoring due process, has aimed a dagger at its very heart and, with every convert, moved it closer.

American Injustice

by the Buffalo Chapter of the National Lawyers Guild

The following is an open letter from a group of prisoners from Walpole, Massachusetts' maximum security prison:

We call on all prisoners to join in a nationwide prisoners boycott of the traditional Christmas dinner.

We prisoners are expected to pause at xmas-time with Middle America: to eat and be merry and feel thankful. But all across America, hidden behind the myths and the dollar signs and fancy tinsel, there is hunger of body and spirit. The system-enforcers are everywhere; repressing people, violating the Bill of Rights, protecting and enforcing the priorities and lifestyles of the profit-makers. Forty million people live in poverty. Millions more can barely make ends meet. There is massive inflation, unemployment, broken-down neighborhoods, outrageous price-tags on everything from the basic necessities of life to civil rights. And for the millions of Third World and poor white people, the injustices of poverty, institutionalized racism, inequality of opportunity, exploitation and oppression, is what life is all about. We prisoners know this. These injustices are what prison is all about.

Attica is to the prison system what the American police-court-prison business is to capitalism. Attica is the reverse side of the American dollar. Attica is poverty is inequality is injustice is racism. Attica is My Lai is ITT is Watergate is abuse of power is Behavior Modification. Attica was no mistake. The machine-gun butchery carried out by the self-righteous mercenaries is officially sanctioned. Nixon, Rockefeller, Oswald, those in power, clearly understood the effect that widely publicized negotiated settlement at Attica would have on other contained ghettos. Attica is Law & Order is Status Quo is every prison is every ghetto is Attica. There will be no pause for xmas inside Attica.

Many of us have always refused to take any holiday dinners — as a silent personal protest. Let them keep their turkeys and stuffing, even though it is the only decent meal most of us would have all year.

WE NOW CALL ON ALL PRISONERS TO JOIN IN A BOYCOTT OF XMAS DINNER. We will not mourn the dead nor sing praises to the survivors. Too many of us are still dying, thousands of us are buried alive. We refuse to take the xmas meal as a gesture of solidarity with the 60 Attica Brothers who are taking the weight. We are protesting everything Attica represents.

Two years ago, after months of being lied to, harassed, ignored in trying to negotiate their grievances, 1200 men risked whatever they had — and revolted. That New York list of 28 grievances has been echoed for many years all over the country, in every prison and city uprising from Walpole and Wounded Knee to San Quentin and Newark. They were the same demands shouted for in the Tombs, in Alderson and Leavenworth, in Baltimore and McAlister, in Rhode Island and Georgia, in New Hampshire and Illinois

— demands for those human and civil rights that have long been denied to people held under the iron heel of the system, whether we be in ghettos or reservations, in sweat shops or mindless schools, or in prison.

Three million dollars and all the fantastic resources of the state of New York have been geared to convict the 60 defendants to justify the state's barbarity. They have been indicted on 1300 separate counts, calling for thousands of years, plus the death penalty. Their lawyers are all volunteering services, as are many people, but the defense expenses will cost over \$500,000.

And so we call on people everywhere to join in solidarity with the Attica Brothers. We ask our people who are not in prison to buy one less xmas gift for each other: and to donate the price of that gift to the ATTICA BROTHERS DEFENSE FUND, c/o the NATIONAL LAWYERS GUILD, 23 CORNELIA STREET, N.Y., N.Y. 10014.

From the WALPOLE CHAPTER
NATIONAL PRISONERS REFORM ASSOCIATION
PRISONERS AGAINST POVERTY, RACISM AND WAR

The Buffalo Chapter of the National Lawyers Guild is helping to organize this fast. We urge you all to give up a small part of your Christmas and share it, in the form of a donation, with the Attica Brothers. We will have a table on the second floor outside of the library from 10 to 2 on Tuesday, Wednesday, and Thursday, December 18th to 20th. We will be there to collect your contributions and to rap to you about this and other Guild projects.

II

On Monday, the 26th of November, Martin Sostre was again brutally beaten deep inside the walls of Clinton Prison. This time there were sixteen guards in the goon squad to force Martin to submit to the inhuman rectal examination. Seeing all these goons and fully knowing the consequences, Martin once again refused to submit to this dehumanizing and degrading policy of the Rockefeller prison administration. Martin was being taken to court in Plattsburgh by "mistake" because an assistant District Attorney placed another prisoner's letter (requesting to be brought to court for assignment of counsel) in Martin's file. They are no longer content to beat him on his regular court appearances, now they make up excuses to get him.

III

On Thanksgiving morning, one of the Attica Brothers, Otis McGaughy, was severely burned in his cell in Auburn Prison due to improper actions and incompetence of the guards. Sixteen of the indicted Attica Brothers are being illegally held in the solitary confinement section (euphemistically referred to by Rockefeller's prison administration as the Special Housing Unit).

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President's Corner

continued from page 2

ies, FSA will continue to provide this needed service to the law school community. With the advent of dining tables and chairs (unlike the fourth floor), sprawling on the corridor by the elevators on four should become a way of the past. In order that we maintain the newness of the building it is necessary that we all cooperate to keep the building clean, and coffee and other goodies on the

fourth floor carpet should no longer be tolerated.

Parking, I suggest that all individuals visiting Amherst Campus obey the campus parking regulations. The Campus Patrol will be issuing Town of Amherst tickets in the lots, on the roadways, etc. It is necessary that you obey those regulations for the convenience and safety of all persons on Campus.

American Injustice

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At about 9 in the morning a fire of mysterious origin broke out in Otis' cell. The average cell in a solitary unit is about 5 feet by 7 feet with 3 solid walls and a barred front wall. Otis tried to put the fire out himself but was unsuccessful and he screamed for help. Instead of letting him out of the cell and then putting the fire out, the guards did it the other way around. They showed their racist and inhuman opinion of prisoners by leaving him inside of the cell to burn while they tried to put out the fire. At first they tried to use one hose but it was too short, so they had to run for another and hook it up and then deal with the fire. Meanwhile, Otis was forced to stay inside of the cell for 15 minutes and roast. This is the third fire in S.H.U. since December, 1972. What kind of people keep other people in cages and don't even have the proper facilities to prevent them from burning alive inside their cages! What kind of society calls for this kind of treatment in the name of rehabilitation! When he finally was let out, he was locked in another cell for another 10 minutes before he was taken to the inadequate prison hospital. The flames never touched Otis but the heat was so intense that he has third degree burns over 40% of his body. One of his ears is almost totally destroyed. Otis is a very gifted and creative artist and he may never paint again because of the severe burns to his hands.

When will Rocky's thirst be satisfied? How many more people must be beaten, shot or maimed before we demand a change to such racist, inhuman practices?

Letter to the Editor

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Appeals, but I lost the election. The plurality was about 240 votes out of 5000 cast. I was told that my loss at the polls was in large part due to my being tied up in the courts until only two weeks before the election, and the conspicuous position I was given on the ballot (Line F, Row 16). I even had a hard time finding my name on the ballot.

These lawsuits are, I think, of some interest in that I prepared and appeared *pro se* in each court. At the time of my appearance

before the Supreme Court, I had been admitted to practice 5 days and at the Court of Appeals for only 36 days! The Clerk at the Court of Appeals thought that such an occurrence was at least "unusual." I intend to write Guinness to see if I might have a record of some sort.

Presently I am an Assistant Public Defender and the Student's Attorney at SUNY Fredonia. I also have a private law practice in Dunkirk.

Sincerely,
David M. Civilette

Tenure Teams

I. The current visiting committees of the Promotion and Tenure Committee are as follows. (convenor *italicized*):

For Professor Boyer	Professors Atleson, Del Cotto, <i>Goldstein</i>
For Professor Girth	Professors Homburger, Joyce, <i>Kaplan</i>
For Professor Gordon	Professors Atleson, <i>Buergerthal</i> , Franklin
For Professor Harring	Professors Girth, Joyce, <i>Katz</i>
For Professor Holley	Professors Greiner, <i>Hyman</i> , Mann
For Professor Katz	Professors Atleson, Joyce, H. Schwartz
For Professor Lochner	Professors <i>Fleming</i> , Kochery, H. Schwartz
For Professor McCarty	Professors Galanter, Gifford, <i>Newhouse</i>
For Professor Rosenberg	Profs. <i>Buergerthal</i> , Goldstein, L. Schwartz
For Professor Schlegel	Professors <i>Fleming</i> , Hyman, L. Schwartz
For Professor Steinbock	Professors <i>Homburger</i> , Katz, Girth
For Professor L. Swartz	Professors Joyce, Mann, Reis
For Professor Wenger	Professors Del Cotto, <i>Galanter</i> , Greiner

II. The committees for potential Adjunct Professors are as follows (convenor *italicized*):

For Mr. Magavern	Professors <i>Kaplan</i> , Laufer, Reis
For Mr. Zimmerman	Professors Gifford, Girth, <i>Kochery</i>
For Professor Zussman	Professors Franklin, <i>Homburger</i> , Hyman

III. In consultation with your subcommittee and the Provost, the Appointments Committee has appointed the following visiting committees for Professors M. Gordon and Mazor (convenor *italicized*):

For Professor M. Gordon	Professors <i>Boyer</i> , Greiner, Laufer
For Professor Mazor	Professors <i>R. Gordon</i> , Newhouse, Schwartz



—Belling

Snack Bar Opens; Mobbed

continued from page 1

competition from the secretarial coffee machines placed strategically throughout the building. "Hot food is selling well and salads are going over well with the girls," he continued, "but coffee and pastries are the best sellers." Citing one student who had at least fif-

teen cups the first day, he added that he had "never seen so many students drink so much coffee" before coming to the law school.

Future Food Service plans include retaining the 4th floor vending machines for fast services, the possibility of soda and cigarette machines in the seating room, and the suggestion that a table be

set up just outside the snack bar for coffee and pastries, thus obviating the line.

Mr. Taylor announced that Food Service is searching for a name for the facility and is open for nominations. Moreover, he invited "any constructive suggestions and ideas" for the operation of the snack bar.

Environmental Notes

by Rich Tobe

On Thursday, November 6, 1973, Mayor Stanley Makowski announced the creation of The Buffalo Green Fund. The Green Fund was created through the cooperative efforts of the City of Buffalo, the Junior League of Buffalo, and the Environmental Clearing House Organization.

The purpose of the Green Fund is to aid private citizens in improving the appearance of public places in the City of Buffalo. The Green Fund has published *The Buffalo Green Pages*. This is a directory of projects that citizens can sponsor. The Directory also lists the approximate cost of the


project. Initiation of the project is left entirely to private citizens. Once a citizen decides where he would like to see a particular improvement, the Green Fund will help with the bureaucratic problems.

If you would like to see more trees, street furniture (benches), bike racks, planters (for trees, shrubs and flowers), garbage cans, picnic and playground equipment or graphics, and if you have a place to put it and a little money, you are urged to contact the Green Fund. Here is how it might work. If you have a place in front of your house or on your block that could use a tree(s) and if you

and your friends can raise \$15 (or more) per tree, the Green Fund can help. They can help you pick one of 40 trees that will be right for your street, get the required permits, have the sidewalk torn up if necessary, arrange for the City Forester to plant it, and guarantee that it stays healthy for one year. So long as the tree is planted on public land you only have to pay for the tree.

You can contact the Green Fund at the Buffalo Museum of Science. Call the ECHO telephone number (896-5200) and ask for the Green Fund. The Environmental Law Society has a copy of the Green Pages.

O Come all ye Faithful to S.B.A.'s



Christmas Party

Date: TODAY, DEC. 13
Time: 3 - 7 PM
Place: CROSS-BOW INN.
3180 Sheridan Drive

ALL INVITED . . . BUFFET. ALL DRINKS. MUSIC. FREE TO LAW STUDENTS
— one guest \$2.00 —

Sen. Dunne: Attica 'Two Years After'

by Kay Wigtil

New York State Sen. John Dunne, R. Nassau, spoke on prison conditions and reform at the law school on Nov. 26. In his introduction of Sen. Dunne, Prof. Herman Schwartz told the audience of Sen. Dunne's interest in corrections in New York City and the state legislature long before it was a 'politically fashionable issue.' Because of his efforts on behalf of reform, Sen. Dunne was invited to Attica by prisoners to act as an observer during the 1971 prison rebellion. Prof. Schwartz, also a participant in the negotiations at Attica, characterized Sen. Dunne as one of the most prominent and

defendant.

A second proposal of Sen. Dunne is the passage of a law requiring every judge to give his reasons for each sentence he imposes. Sentence review would be readily available, either in the Appellate Division or by a three judge panel of some kind, so that the defendant would be protected against abuse of the trial judge's broad discretion in this area.

Parole procedures are also the subject of the Senator's efforts at reform. He criticized the structure of the present parole board because of the lack of qualifications required of its members, and the lack of accountability for its actions. Sen. Dunne would have

Provosts Retained, Schwartz Says

by Ray Bowie

Law School Provost Richard D. Schwartz informed *Opinion* last week that a controversial plan by President Ketter to reorganize the University Administration, which would have abolished the provosts and consolidated their faculties under several vice presidents, had been deferred for at least two years due largely to opposition from the faculties.

"President Ketter," the Provost said, "consulted with the faculties on the reorganization, and the faculties indicated that they found the present system working well enough." The present system, in which seven provosts act as an intermediate administrative level between the president and individual departments, was established in 1967 to provide the president with a broader perspective than that afforded by department chairmen, but it had met with criticism from the Middle States evaluation team for obscuring administrative responsibilities.

Presidential Assistant Thomas Craine reported early in November that President Ketter, who had described the provosts before the Faculty Senate as "highly parochial" in outlook was considering two alternative models for administrative reorganization, each involving the replacement of the seven provosts with two to four vice presidents supervising several of the present faculties. Under one model, the law faculty would fall under the responsibility of a vice president for "academic and professional schools," including education and architecture together with

law. The second model proposed that a vice president for "social and behavioral sciences," one among four, include the law school among his responsibilities. At the time the Ketter proposals were made public, it was announced by Arts and Sciences Provost John P. Sullivan that "faculty discussion of the proposals so far has been generally negative."

Definitive word on the outcome of the deliberations, according to Provost Schwartz, is that the "plan has been deferred . . . President Ketter has decided not to proceed with the replacement of provosts with vice presidents."

Responding to the accusations of parochiality, the Provost argued that "if you turn that coin over, you find democracy for the faculties and autonomy for the schools." The Middle States evaluation team, he added, "found confusion in the middle management area because the evaluators were never introduced properly to the provosts."

Speaking to the criticism that the provost system had failed to provide the president with a university-wide perspective, Provost Schwartz noted that the Academic Affairs Council, on which the provosts and deans represent their faculties, "has made efforts to adopt a university-wide perspective, and the success so far is promising."

"It may take time to learn how to cooperate effectively, but that may prove the way to move the University forward, by locating the modes of interdisciplinary cooperation." The same, he concluded, might prove more difficult through vice presidents.



State Senator Dunne Stresses Prison Reform.

hardworking of the Observer team.

Sen. Dunne's talk centered around legislation passed or proposed by the Senate Committee on Penal Institutions, of which he is a member. He stressed community interest in prison issues as the key to reform, and added that young lawyers interested in working in this area provided the hope for developing that community interest.

Noting that the Attica rebellion could not have been avoided, Sen. Dunne described the symptoms which brought it about, and proposed reforms designed to eliminate some of the conditions which led to the riot.

The first of his proposals attempts to destroy the "system of invisible justice" which now exists, and introduce an element of accountability into the criminal justice system. To do this, Sen. Dunne proposes a formalization of the plea bargaining process, whereby all negotiations would be part of the record of the case, and the judge's active participation would be brought into the open.

To protect the defendant further, unkept promises by the state would revoke the defendant's plea without prejudice, and allow him to go to trial. Although he recognized many problems inherent in plea bargaining, Sen. Dunne said he believes the process should be in the open as long as society is unable to provide a trial for every

the parole board restructured by region, so the members' time would not be wasted in traveling from prison to prison. The members would be required to give prisoners reasons for a denial of parole, so that he will have a basis for preparing for the next hearing, and will be protected against abuse of discretion by the board.

Work-release programs, adopted in over twenty-five states, is a major reform project of Sen. Dunne's. However, the State Assembly has killed the bill which set up such a program in New York. Whether or not such a program can be implemented, the Senator sees the necessity for eliminating employment restriction on ex-prisoners. He told the audience that he would like to see the State set an example in this area by recognizing the fact that one has "paid his debt to society" by serving his sentence, and therefore hire ex-prisoners without any consideration of their criminal record.

During a question and answer period, Sen. Dunne noted that life in penal institutions has not changed or improved since the 1971 Attica prison rebellion. In answering questions about Attica, he said he did not like to think about the rebellion, since it ended so tragically. However, he said, the impact of the event supplied him with the necessary drive to continue working in spite of resistance to change and reform in the penal system.

PAD Sponsors Drug Law Forum

by Skip Hunter, M.C.

On Thursday, November 22, 1973, Phi Alpha Delta Law Fraternity sponsored a symposium on the new New York State Drug Law. A distinguished panel was assembled consisting of local attorneys Vincent Doyle and Joseph Tuttolomondo, Chief of Narcotics, Erie County Sheriff's Department.

The panel pointed out that the 1973 revision, in essence, mirrors many of society's current concerns and attitudes about the problems inherent in and created by drug abuse. Frustration with the seeming intractability of the drug problem is reflected in the hard line approach to the classification of drug crimes and to tougher and more restrictive sentencing options upon conviction. Continuing the policy begun in 1972 of conforming New York to Federal and sister state law in the area, the descriptive phrase "dangerous drugs" was abandoned in favor of "controlled substances." Title M-Offenses Against Public Health and Morals, Article 220-Controlled Substances Offenses.

The revision adds a major dimension to the definitions of crimes in this article by assigning various felony weights to categories of drugs which were not heretofore so classified, and escalating the penalty for possession and sale in relation to the quantity of the drug involved. To a greater extent than former law, increased punishment for possession or sale of certain quantities of proscribed substances, especially those which were not quantitatively graded before, has been correlated to a particular view of the dangerousness of the individual substances or their categories, both in terms of their deleterious effect on the individual abuser and the likelihood of their broad distribution

either for profit or as gifts.

Examining the quantification scheme as a whole reveals that two weight standards are now used instead of the previous one; to the aggregate weight standard heretofore exclusively employed has been added one that depends solely on the weight of the prohibited substance (eg. 220.09). Those so treated are "soft" drugs — the amphetamines, LSD, the barbiturates and the non-barbiturate sedatives such as sleeping pills and minor tranquilizers. The range from one milligram of LSD to two pounds of, say, Miltown, (their relative weights being approximately 1:500,000), both carrying class C felony punishment for possession presumably reflects, among other factors, the minute quantity required for an abuse dosage of LSD compared to the non-barbiturate sedatives. In the instances of substances such as the widely used and abused stimulants, dangerous depressants and depressants, the fact that they are commercially manufactured and distributed in tablet, or capsule form, rather than in bulk, undoubtedly dictated the weight-of-the-substance standard rather than the aggregate weight one.

The sentence-time on felonies has changed and the court's discretion has been restricted. All those convicted of a class A or B felony must receive a sentence of imprisonment. All those convicted of certain class C and D felonies

must receive a jail sentence. Now it is important as to what class of felony a defendant pled guilty. Appropriate objections must be made upon sentence.

For example, if a defendant pled to a class C or D felony requiring jail time, objection should be made that the law mandating such incarceration is unconstitutional. It discriminates between members of a class, it draws an invidious distinction between those who have committed the same class felony, in that it mandates prison for some members of a class, but not others.

Another example concerns one who will be sentenced as an A or B felon. The objection is that the law is unconstitutional because it arbitrarily creates a class which has no foundation in logic or law. While the class of felony committed has some relation to the question of deprivation of liberty, it is capricious and arbitrary because it disregards a defendant's background, the circumstances of the crime, and every element other than class of felony.

Further, it deprives a defendant of due process because no consideration other than class of felony is given the defendant on the question of incarceration.

The Eighth Amendment is violated: the law mandates prison and is tantamount to cruel and unusual punishment since no reason other than class of felony committed is assigned as a reason for incarceration.

ECBA Committees Open

The Erie County Bar Association has approximately 50 committees dealing with almost every substantive area of law. Many are active groups which meet often to develop recommendations on positions to be taken by the Bar Association.

Robert Koren, President of the

Erie County Bar Association, has consented to permit one or two law students to sit on most of these committees.

If you are interested in sitting on a committee, please sign up in Room 504. (A list of the committees is attached to the sign-up sheet).

Cooke Calls for Repeal of Rape Corroboration

by Gary Muldoon

Lawrence H. Cooke, associate justice of the New York Appellate Division, Third Department, addressed the Law School on December 6 and called for the repeal of the corroboration requirement in rape cases. Cooke stated that the criminal laws "have failed us miserably in this area. Far from acting as a deterrent to the crime of rape, our laws have had a history of permitting women in this society to be raped with relative impunity and, due to their widely recognized inefficacy, they may even be accused of encouraging rape."

The main cause of this, he stated, is the corroboration requirement. He noted that while we have extremely severe penalties for rape, we also "have the most unusual rules of evidence which have the effect of making it impossible, except in the rarest cases, to express, through the criminal law, society's outrage and condemnation of the commission of the crime."

The corroboration requirement, he said is justified by "the 'gut' feeling that women as a class cannot be trusted to tell the truth even under oath." This hypothesis, he said, "is patently absurd and richly deserves once and for all to be relegated to the unhappy history of man's inhumanity to man."

Cooke presented statistics on the alarming increase of rapes. Between 1960 and 1971 there was an increase of 146% in the number of reported rapes, a 35% increase between 1971 and 1972, and a 19% rise in the first six months of 1973. These figures, he noted, represent only about 20% of the rapes actually committed. In New York City in 1971, of the 2415 rapes reported, only 100 of them ever made it to the Grand Jury, resulting in 34 indictments and only 18 convictions.

New York State, he noted, was one of only seven states that have a strict corroboration requirement; eight states have no strict rule, and thirty-five states have no corroboration requirement at all.

Cooke then discussed the arguments in support of the corroboration requirement. The most frequent argument, that false rape charges would be frequently made, was unsound, he said, because the deterrents to filing a report are great. "The publicity resulting from such charges may be the source of grave humiliation for the victim," and the process of reporting a case "can intimidate all but the hardest individuals." Coupled with "the ordeal of having to relive the attack in detail," these "work as powerful deterrents to making the charge." Cooke also noted that, according to the Commander of New York City's Rape Analysis Squad, only about 2% of all rape and related sex charges are determined to be false, which is a rate comparable to false charges on other felonies.

As to a rape charge being easily made but difficult to disprove, Cooke stated that "the available empirical evidence indicates that the corroboration requirement is not necessary to insure the exone-



Judge John Cooke

ration of the innocent." Convictions solely on the word of the complainant are extremely rare in states where there is no corroboration requirement. This is due "partly because the juries are reluctant to send a man to prison for a long term unless the evidence is overwhelming, and partly because the juries have apparently created an extralegal doctrine of contributory conduct on the part of the complainant. (This theory of 'victim precipitated rape,' he said, was nothing more than a male view of circumstances leading up to the incident).

Another justification advanced is that without the requirement, the defendant would be stripped of the presumption of innocence and victimized by the sympathy of the jury for the wronged woman. Cooke noted that "juries,

which are often male dominated, are extremely reluctant to convict a man unless the proof is overwhelming. And despite the supposed emotional aspects of a rape trial, the defense rarely ever waives a jury trial, knowing that the jury is an ally, not an enemy." Trials where the accused and the accuser are of different races can be safeguarded with juries of more than one race, and by reversing conviction on appeal where the jury was obviously biased.

The last justification, "that the gravity of the crime mandates corroboration, can be dismissed summarily since other equally serious crimes require no corroboration."

The retention of the requirement means that "women are outside the effective protection of

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Faculty Mtg. Notes

by John Levi

The December faculty meeting went for a marathon six hours last week, including time out for a buffet supper. Highlights included a "get-acquainted" speech by University President Robert Ketter, and discussion and action on a memorandum suggesting grading changes from Associate Provost William Greiner.

The President spoke at the invitation of the faculty for over an hour, discussing the future of the university and the law school's role in it. In response to queries from this reporter as to why President Ketter was not given an opportunity to share his thoughts with the student body, it was suggested that an invitation to speak before the student body should come from the Student Bar Association, not from the administration or faculty.

Long discussion preceded passage by the faculty, sitting as a Committee of the Whole, of Greiner's memorandum. The proposed grading system will do away with the HD as a designation on the report card (it was never formally designated as a grade). Members of the faculty who feel that a student's performance deserves special praise may add a letter to the submission of the grade. The letter will be included with a student's transcript; and an asterisk (*) will follow the grade so explained. In response to arguments that this will replace the HD with an H*, it was pointed out that the faculty are free to append such a letter to any grade, and therefore Q*'s may also be seen.

The proposed grading system will also codify the distinction between D's and F's. A D will be given to any student whose performance in a course is "equivalent to failure," while an F will be awarded only to those who substantively fail to complete assigned course work, such as papers and examinations. It is hoped that confusion will be alleviated by this change.

The final proposal of the Greiner memo suggested the creation of a new grade — the Q+. In a nutshell, this grade will be awarded to those students whose performance does not fall within the standards set for an H, but whose work is superior to that of the great bulk of those students who receive Q's. It does not carve territory from the present H; rather, it will provide an opportunity for recognition of those students whose performance exceeds the Q, yet falls short of the H. The Committee of the Whole expressed the feeling that the Q+ will provide motivation to students whose work has not been superior, but possibly need some encouragement for such performance.

The faculty voted to apply the new grading system to all first-year students as of the Fall semester. The decision whether to apply the system to second- and third-year students has been tabled until the January meeting.

In other action, the faculty received the report of the chairman of the Appointments Committee, Mr. Fleming, and the report of the chairman of the FSRB, Mr. Kochery, who reported that the Analysis of Courses and Teaching for Spring, 1973, is now available at the Admissions Office, for the benefit of faculty and students alike.

Third-year Job Questionnaire

The following questionnaire is an opportunity for us to find out the success third year students have had in finding jobs for next year. Please fill one out and drop it in the basket provided in the library, at the Circulation Desk. Results will be printed in the next issue of *Opinion*.

Are you from Buffalo ☐
elsewhere ☐

How many resumes have you sent to prospective employers?

In Buffalo	Elsewhere
0 - 10 <input type="checkbox"/>	0 - 10 <input type="checkbox"/>
10 - 25 <input type="checkbox"/>	10 - 25 <input type="checkbox"/>
25 - 50 <input type="checkbox"/>	25 - 50 <input type="checkbox"/>
50 + <input type="checkbox"/>	50 + <input type="checkbox"/>

Do you have a part-time job? ☐
Has your employer made you an offer? ☐

How many H's do you have?
0 - 10% ☐ 10 - 25% ☐
25 - 50% ☐ 50 - 75% ☐
75% + ☐

If you have a job or a firm offer, what factors do you think were determinative in getting it?
family connections ☐ political connections ☐
grades ☐ recommendations ☐
previous work ☐
other (specify) _____

Have you gotten:
a job ☐ a firm offer ☐
a tentative offer ☐ how many? _____

How many prospective employers have scheduled an interview or have interviewed you?

In Buffalo	Elsewhere
0 - 5 <input type="checkbox"/>	0 - 5 <input type="checkbox"/>
5 - 10 <input type="checkbox"/>	5 - 10 <input type="checkbox"/>
10 + <input type="checkbox"/>	10 + <input type="checkbox"/>

Are you a member of:
Law Review ☐ Moot Court ☐

What kind of work are you actively seeking?
large firm ☐ small firm ☐
government ☐ non-legal ☐
in New York State ☐ out-of-state ☐

Are you:
a white male ☐ female ☐ black ☐

Did you use the Placement Service of the Law School Placement aids? Yes ☐ No ☐
If so, were they valuable? _____

Please deposit in the basket marked "Third Year Questionnaire" in the library.

Law School Acquires Placement Officer

For the first time in its history, the Law School has on its staff its own placement officer, Ms. Patricia Hollander, who began work in that position the first week in December.

Ms. Hollander, who has been installed in what was formerly Dr. Mix's office in room 311, has been with the University in various capacities since 1967, during which period she was part-time lecturer with the School of Management in areas of industrial relations and later assistant to the dean in the Division of Continuing Education. In the latter position, she was responsible for developing professional programs, including Continuing Legal Education for Practicing Attorneys in cooperation with the Law School.

Ms. Hollander's present plans, after familiarizing herself with the available material, include the establishment of a Resource Center for job information in room 312, which she hopes will be functioning at publication time. Other plans, she says, will be formulated as she orients herself in her new position.

Law Review Delay

After a long silence, the Buffalo Law Review announces the impending publication of Volume 23, Number 1, the first issue to be published by the present Board of Editors. Difficulties in obtaining a State-approved printing contract are given as the cause of the delay. It appears that the State failed to grant such a contract in the first place, and hence the long delay.

Editor-in-Chief Vince Morgan stated that the problems in getting the first issue printed have hampered efforts on the part of this year's Board to develop articles, symposia, and programs designed to expand the purview of the law review beyond the traditional heavily-researched and -footnoted works of law professors. It was hoped that social problems could be examined by writers from a variety of disciplines, but "it just didn't work out." Consequently, it appears that the Review will primarily publish legal articles by legal writers on aspects of legal esoteria.

The first issue will include major articles by Lee Teitelbaum, former professor at Buffalo, on cruelty as a ground for divorce in New York State; Arthur Larson, a law professor at Duke U., on the defense of suicide in workman's compensation law; and Michael A. Marra, a Buffalo area lawyer, on revenues under the Copyright Act. Student works will include a comment by senior members Linda Mead and Dennis Hyatt, and notes by candidates Ken Bersani, John Mendenhall, and Peggy Rabkin.

Future issues this year include a special issue commemorating John Lord O'Brian, a symposium on the new Mental Health law in New York State, and many articles, among them works by Professor Mitchell Franklin of Buffalo, and Phillip Weinberg, a New York State Assistant Attorney General.

Law Wives Project

The Student Law Wives Association expresses its gratitude to the students, faculty, and staff of the Law School for their support of our bake sale and canned goods drive. Because of the generosity of those involved, we were able to contribute over 100 cans of food to the Salvation Army. We extend a special thanks to all those who made additional donations of cash or cans for this worthy cause.

Law Wives would again like to enlist the School's support in a community wide project. For the last several months, we, in conjunction with TV-2 Action Reporter Russ Nichols, have been involved with a project to establish a tin can recycling center in Buffalo. We felt we had been progressing in our contacts with Councilman Hoyt's office when it was announced that a trial center would be set up. Shortly thereafter this statement was retracted. It is now our understanding that in addition all existing city glass and paper recycling centers face possible shutdown in the near future due to expiration of the year trial time period.

We urge all city residents to contact their councilmen and encourage extension and expansion of the recycling program. We feel that this is a cause worthy of everyone's concern.

Cooke Calls for Repeal

continued from page 6

the law, and the criminal knows it... If the phrase 'equal protection of the laws' means anything, then I say the time has come to repeal the corroboration requirement."

Cooke noted that this change will not alone solve the problem; "Hospital personnel and police must be made aware of the special

need for sensitive and humane handling of rape victims rather than the coarse treatment to which these unfortunate women are all too frequently subjected." But the first step must be the removal of the corroboration requirement, "to insure that the process of reporting will not be an exercise in futility."

Mitchell Lecturer Assails USSR on Mid East

by Ray Bowie

Appearing under the auspices of the International Law Society, Mitchell Lecturer Yoron Dinstein, professor of international law at the University of Tel Aviv, explored the "Soviet dimension" of the Middle East conflict before an audience of about 25 law students last week, in the course of which he highlighted the way in which the USSR discovered and used the conflict for its advantage.

Prof. Dinstein, who had served on the Israeli permanent mission to the UN in the early 60's and later on the Subcommittee on the Prevention of Discrimination, compared the Soviet Union's relation to the Middle East to the United States' to Latin America, commenting that the area is virtually "south of the border" to the Soviets and "when they sneeze, we get pneumonia."

Historically, Russian policy has been to expand to the south for warm water ports, but "where the czars failed," Dinstein contended, "the commissars have succeeded." The success is all the more astounding, he continued, in that it was achieved within 25 years, beginning with the initial failure of Soviet pressure against Iran and Turkey, moving into a stage where the USSR used first Israel and then the Arab states as "clients,"



International Law Club Speaker

—Buffamonte

and finally leading to direct Soviet military involvement after the "debacle of the Six Day War."

The USSR, Dinstein charged, wants to dominate the Middle East "before the lines of detente fully crystalize," freezing the spheres of influence of the superpowers. To this end, the Soviets do not desire the destruction of Israel, but neither do they want a settlement in the Middle East in as much as the tensions insure their continued influence over the Arab states.

"The time for peace negotiations is now, December," he argued, "for by January or February, the result is a foregone conclusion, renewed hostilities." Yet the USSR is behaving as it did in 1967, demonstrating reluctance to encourage a Middle East settlement even though in 1973, it is technically a "co-sponsor" of the

peace plan.

Dinstein charged that, in fact, the Soviet Union had triggered the 1973 war, citing instances in which the Soviets began their military sealt to Egypt and Syria "four days ahead of the war to replace expected Arab losses." Not only had "Soviet officers planned the war," he added, they were withdrawn just prior to the Arab offensive so as to avoid casualties or capture. Having backed out of its responsibilities to seek a settlement, "the Soviet Union," he concluded, "was the big winner of the 1973 war."

"Responsibility for 1973 lies squarely with the Soviet Union," Dinstein contended, "and if there is no solution in the next few weeks... it will be due neither to Egyptian or Israeli aspirations, but to Soviet intransigence."

Advisement Survey

Based upon the premise that being a student in law school presents a myriad of related problems, both academic and personal not otherwise handled by the Office of the Dean, please answer the following questions:

Check One

- Freshman ☐ Faculty ☐
Junior ☐ Staff ☐
Senior ☐

1. Are you in favor of a school-operated advisement program to deal with such problems? Yes ☐ No ☐

2. Should such a program be staffed by

- ☐ Faculty
☐ Administration
☐ Students (upperclassmen)
☐ a combination; and if so, what

3. Should this program be run on a

- ☐ volunteer basis
☐ work study
☐ professionally (paid) staff

4. Should such a program be operated on a continuing basis or do you feel that a first semester orientation period is adequate. Please comment. Use another sheet if necessary.

5. Please comment on what you feel the function of such an advisement office would be, the types of problems which you yourself may have encountered, and whether you would make use of such a program should one exist. Use another sheet if necessary.

Please take the time to complete this questionnaire and return it to room 312. The cooperation of the entire law school community is essential.

FSRB Available

The Faculty Student Relations Board is entering its fourth year of existence this year. Because election of student representatives did not take place until this fall, the first meeting of the board was not held until December 1, 1973.

The FSRB has an important function as the law school's grievance committee. Its constitution gives it power to hear grievances "concerning the entire spectrum of law school life from whatever source," as well as investigative and research powers on "any phase or problem of school life" on its own motion.

Among the most important of these investigations is the course and teacher evaluation conducted each semester. Copies of the results of these studies are on reserve in the library, and students are urged to look at them for assistance in making out their spring semester schedules.

Students with any grievance which they would like to bring before the FSRB need only submit a written statement of their grievance and the relief sought to Prof. David Kochery, Rm. 513.

The student members of the FSRB are Rosemary Gerasia (1st year), Kay Wigtil (2nd year), and David Hampton (3rd year). The faculty members, who are appointed, are Profs. Adolf Homburger, Barry Boyer, and David Kochery (Chairperson).

SBA Requests Facilities Remedy

Having completed action on the '73-'74 budget, the Student Bar Association focused its attention on a number of hazardous conditions existing in the North Campus traffic system, conditions which have been alleged recently to have contributed to several accidents involving law students.

In a resolution directed to the University's Traffic Control Board, the SBA singled out five particularly hazardous conditions, ranging from the lack of street lighting to concrete abutments in parking lots, and requested the University to undertake immediate remedial action.

The resolution, presented by first-year representative Ray Bowie, mentioned, as specific danger spots, the absence of lighting

along North Campus roadways, walkways, and parking lots; the presence of a curbed divider in the small lot off the bus circle; the angle at which Augspurger Road intersects with Millersport, making right hand turns too sharp; the poor visibility at the intersection of Flint Rd. and North Campus Boulevard; and the poor illumination at the two Millersport entrances to the campus.

SBA was told that, according to Facilities Planning Vice President John Neal, the failure to light the roadways and lots was due to difficulties SUNY had been experiencing in finding a contractor willing to undertake SUNY's specifications for lighting fixtures. Earlier in the semester, Mr. John Randall of the same office had

told *Opinion* that the lighting would be installed by December, but Dr. Neal's current appraisal of the situation is that no lighting will be installed prior to next spring.

SBA was also informed that the concrete divider in the small parking lot, allegedly responsible for several accidents, was installed at the insistence of Pres. Ketter, who wants the lot eventually reserved for administrator parking and will have controlled-access gates placed on the divider.

Laura Zeisel proposed, and SBA accepted, that the concrete divider be marked off with reflectors rather than removed altogether, as had been originally suggested in the resolution.

TV Surveillance in Limbo

A proposal to install 22 cameras providing closed circuit TV coverage throughout the building to maximize security at the Law School remains in limbo.

The proposal was advanced in a Memorandum to Provost Schwartz from Charles Brunskill, Technical Assistance Co-ordinator with Campus Security, late in August this year. It suggests installation of cameras in an arrangement to allow for maximum coverage of all traffic areas, office doors, and access doors to the library. The main control panel was to be located in the basement of the Law School, or remote-controlled and operated at the Security Office in the Governor's Hall Complex.

The Budget and Program Review Committee considered the proposal and referred it to the full faculty committee.

The issue was brought up towards the end of the November faculty meeting where due to the amount of controversy the issue created, it was decided to postpone decision until the December meeting to allow more time for consideration of the proposal.

In the interim, the Student Bar Association passed a resolution by a vote of 13 to 1 with 1 abstention, "strongly opposing installation of TV or other electronic surveillance in any areas of O'Brien Hall other than library exits." The reasons SBA enumerated, in the "whereas" clauses of the resolution, were that "electronic surveillance should be the last resort in security measures" and that there exists "no evidence of a security problem sufficient to warrant electronic surveillance in O'Brien Hall."

The SBA also felt that "the installation of such a system would have a chilling effect on social and academic interactions, thereby posing a potential invasion of privacy."

When the agenda for the December 5th faculty meeting was distributed, the proposal had been dropped from the agenda, as it was understood that there was no pressing need for it at this time.

Turn of the Screw

by Ian De Wail

If you need financial assistance for the 1974-75 school year, it is now time to pick up applications. If you were unable to secure one at the Law School this past Tuesday, they are now available at the Financial Aid Office in Stockton-Kimball Tower (formerly Tower Hall) on the third floor.

The funds that are available through this application procedure are the Federal Work Study monies and the National Direct Student Loans. Generally, notification of awards is not made until some time in August, directly preceding the start of the fall school session. This delay is due to the fact that Congress rarely passes the appropriation for the two programs until early summer.

It is a necessity that applications be filed on time if you wish to have any hope of success in securing aid. The Financial Aid Office has instituted what may appear to be extraordinarily early application deadlines for such a late award notification schedule, but the reason this is done is to set a generally acceptable date by which everyone has had an opportunity to get their applications in. This allows the Financial Aid Office to begin the inordinate amount of paperwork and filing associated with the flood of applications that are received. If the date was any later they would

never be able to process the applications before school started. This school, dependent on Federal funds for its aid program, refuses to notify people of awards before the school knows precisely how much funding it will receive for obvious reasons.

This year, the proper form must be submitted to the College Scholarship Service before February 1, 1974. In addition, the proper "Form UB" must be received by the Financial Aid Office by March 1, 1974.

Those who plan on filing as independent students should be aware that the Financial Aid Office may expect you to have a minimum amount to contribute to your needs. Last year this figure was \$750. The amount of this year's expectation should be decided some time in the spring.

Finally, if anyone has questions about the application procedure, how to declare oneself as an independent student, or financial aid in general, please see me in 303 O'Brien. My hours are posted on the door.

With the arrival of Pat Hollander, the new Placement and Career Development Officer, the movement of administrative offices on the third floor has been completed. Ms. Hollander will have hours on Monday, Wednesday and Friday for the rest of this semester and will be here full time starting with the spring term. She

has now assumed all placement duties. Her office is 311 O'Brien, extension 2056.

Dean Mix has moved into 313. Her telephone extension remains 2057. Associate Provost Bill Breiner will now be in 318. As *Opinion* went to press, he was still without a phone but could be reached by calling Pat Taylor at 2055 or Cleo Jubulis at 2054.

Registration materials for next semester should now be available. The first batch of computer forms will be processed on December 21. Freshmen must come to 304 O'Brien on December 17 in order to hand-register for a required small group elective.

If your University account has more than \$25 outstanding, your registration will be check-stopped and returned unprocessed. Please check with the Office of Student Accounts 831-2041 (Hayes A) to insure that all scholarship monies have been recorded as well as any payments you have made.

The law school library has announced a new permanent extension of hours, which went into effect December 10, extending the time when you can slave until 12:00 midnight six days a week. Saturday hours remain unchanged. In addition, the library has announced a fine rollback, to 25 cents per day, as it was felt the 50 cent penalty for an oversight or unavoidable lapse was too severe.

Alumni Line

by Earl S. Carrel

I've always been tempted to turn this into some sort of a gossip column and make comments about who was seen doing what to whom in the corridors of Erie County Hall. Thankfully, I've always been able to suppress the urge, even though it would make filling this space a lot easier. Besides, I'm not in the Hall too often.

Looking ahead instead of into the past, we hope to have an open letter from Judge Dolores Denman, Alumni Association President, in the next issue of *Opinion*. Also we hope to have some news about the official doings of the Law Alumni. Where are you, Bob Schaus?

Every time the Post Office notifies *Opinion* of an address change for one of our readers there is a cost involved. You can help us by informing *Opinion* of your new address when you move.

We were glad to see the good turnout of judges and lawyers in attendance at the Moot Court dinner at O'Brien Hall on December 1. The dining setup was a little bit strange, what with tables scattered throughout the fourth floor lounge area, but we hope all who came had a good time.

Alumni Line is always looking for contributions and thoughts from our graduates. If you have done something worth mentioning or if you have some comments on the state of the profession or the state of the school or the activities of the Alumni Association do not hesitate to write us. The address is:

Alumni Line, *Opinion*, O'Brien Hall,
SUNY at Buffalo, Buffalo, N.Y. 14260

James A. Deckop, '22, assistant City of Buffalo corporation counsel from 1923 to 1932 and a partner in the firm of Desbecker, Fisk and Deckop from 1932 until his retirement in 1972, died November 27, 1973.

Seymour C. Pinch, '40, senior attorney in the Real Property Bureau of the Buffalo District Office of the New York State Department of Law, died October 13, 1973.

Daniel R. Polowy, '73, has been nominated for appointment as Dunkirk, N.Y. City Clerk. The appointment is subject to approval by the city council.

SPORTS

by Skip Hunter, M.C.

Mark Mahoney and Bill McCarthy went on a scoring rampage and the PEOPLE from O'Brien Hall glided to a 59-19 Independent League basketball victory over the CAVALIERS on Monday, November 11th at Clark Hall Gym.

Mahoney scored 19 points including 11 of the 31 points in the first half. McCarthy sunk a total of 15 points, 9 of them in the second half. Mahoney also grabbed 12 rebounds and completely dominated the CAVALIER'S Rich Fleming, the league's top scorer, down the stretch.

In other games, Dick Mairget poured in 14 of his 20 points in the second half on Monday, November 19th, helping the PEOPLE to break open a close game and beat the BROOKLYN BOMBERS, 45-32. The BOMBERS' four game winning streak was snapped.

Reed Cosper added 9 points and Glenn Lefebvre 7 as the PEOPLE gained revenge on the BOMBERS, who one year ago had ended their 8 game winning streak, the longest in the league last season.

And on November 26th, all good things suddenly came to an end. The PEOPLE, their offense almost nonexistent with McCarthy, Cosper and Brian Miga on the sidelines with injuries, slid into mediocrity as they suffered their first defeat at the hands of the RAIDERS at Clark Hall. No one could explain the reason for their sudden demise. But I am sure that better things are destined to come.



He came, he saw, he left. Justice William O. Douglas.

—Betting